

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WA. No. 1192 of 2007()

AGAINST THE JUDGEMENT IN WPC.922/2006 Dated 04/12/2006
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APPELLANT: RESPONDENTS 2 & 3

1. THE UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR,
THENHIPALAM, KOZHIKODE.
2. THE CONTROLLER OF EXAMINATION,
CALICUT UNIVERSITY, THENHIPALAM,
KOZHIKODE.

BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.

RESPONDENTS: PETITIONERS AND RESPONDENTS 1 & 4 TO 6

1. SURFUNNEESA C.K.,
CHANGANAKUNNAM HOUSE, KULATHUPARAMBA,
OTHUKKUNGAL, MALAPPURAM.
2. JASNA O.P., KOLATHIKKAL HOUSE,
KEEZHUPARAMBA P.O., MALAPPURAM.
3. SUMIDA S.D., VEKKOTE HOUSE,
ORKKATERI P.O., VADAKARA (VIA),
KOZHIKODE DISTRICT.
4. RAJEENA O., ODAKKAL HOUSE,
KONDOTTY P.O., MALAPPURAM.
5. STATE OF KERALA, REPRESENTED BY ITS
PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
6. THE PRINCIPAL, K.P.P.M.COLLEGE OF
TEACHER EDUCATION, ANAKKAYAM, MALAPPURAM.

7. THE PRINCIPAL, KUNHATHUMMA MEMORIAL
COLLEGE OF TEACHER EDUCATION, K.P/8/478
VARAMBILMANNU P.O., VALLIPUZHA, MALAPPURAM,
KERALA-673 639.

8. THE PRINCIPAL EMEA TRAINING COLLEGE,
KONDOTTY, MALAPPURAM.

R5 BY GOVT PLEADER SRI BENNY GERVASIZ
R1 TO R4 BY ADV SRI K.P. MUJEEB

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal No 1192 of 2007

Dated: 25 th May 2007

JUDGMENT

Radhakrishnan, J.

This writ appeal is preferred against the judgment in W.P.C. No 922 of 2006 by the University of Calicut and Controller of Examinations, respondents 2 and 3 in the writ petition. Writ petition was preferred by respondents 1 to 4 herein seeking a writ of mandamus directing the appellants to permit them to appear for the examination and to declare that they with B.Sc (Home Science) degree are eligible for admission to study B.Ed (Natural Science) and for other consequential reliefs. On the strength of the interim order writ petitioners wrote the examination. Learned single judge disposed of the writ petition stating that there is no reason to decline admission to B.Ed in Natural Science during the year 2005-06 in spite of the objection raised by the University in the counter affidavit.

2. Counsel for the University submitted that learned single judge was not justified in regularising the admission given to the writ

petitioners. Counsel submitted that the writ petitioners were admitted by affiliated colleges without following the rules for admission for B.Ed degree course. Prospectus for the year 2005-06 stipulates the following qualification.

Natural Science - B.Sc Degree with Botany/Zoology/Bio-chemistry/
B.Sc Plant Science/Aqua Culture with Bio
Chemistry and Zoology as subsidiaries with 50%
marks.

Admittedly writ petitioners did not possess the qualifications above mentioned. They possess B.Sc degree with Home Science as main subject which is not the qualification prescribed for admission to B.Ed (Natural Science). Reference was however made to Ext P3 and submitted that similarly situated persons were admitted to B.Ed degree course in affiliated colleges in relaxation of rules. Admittedly petitioners were not eligible for admission on the basis of the qualification prescribed for affiliated colleges which is governed by a different set of prospectus. In such circumstances, learned single judge was not justified in directing regularisation of admission of the petitioners to B.Sc (Natural science) degree course and therefore the judgment of the learned single judge is set aside.

3. Counsel for the writ petitioners submitted that various orders

have been issued by the University as well as the Government to regularise the admission of similarly situated persons. If that be so, it is open to the petitioners to approach the Syndicate of the University and the Syndicate will take note of all aspects of the matter and pass appropriate orders. The writ appeal is allowed as above.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
ANTONY DOMINIC
Judge

25/05/2007
en/

[true copy]